

**Agreement Between the Environmental Protection Agency and
the Registrants of Pesticide Products Containing Azinphos Methyl**

This Memorandum sets forth the terms of an agreement (“Agreement”) between the United States Environmental Protection Agency (“EPA”) and the signatory registrants (hereinafter individually referred to as a “Registrant” and collectively referred to as the “Registrants”) regarding terms and conditions of certain registrations of pesticide products containing azinphos methyl as an active ingredient held by the Registrants under the Federal Insecticide, Fungicide and Rodenticide Act (“FIFRA”). Provided that the terms of this Agreement are fully implemented as stated herein, EPA has no current intention to initiate cancellation or suspension proceedings under FIFRA Sections 6(b), 6(c) or 6(e). In reaching this Agreement, neither EPA nor any Registrant shall be deemed to have admitted or accepted the positions advanced by the other.

The specific terms of the Agreement are as follows:

Section I. Group 1 Uses

A. Voluntary Cancellation and Existing Stocks. Each Registrant agrees to provide to EPA, within ten (10) calendar days of the effective date of this Agreement, a revised version of that Registrant’s previously filed letter requesting voluntary cancellation of certain uses of azinphos methyl, or, in the event that no such letter previously was filed, a letter requesting voluntary cancellation for certain uses of azinphos methyl that meets the requirements of the next sentence. Such letter shall specify the voluntary cancellation of uses on the crops listed in Appendix A, waive on behalf of itself the 180 day comment period on that voluntary cancellation request, and may, at the Registrant’s discretion, specify that the request is

conditioned on the Agency including in its cancellation order the following existing stocks provisions:

1. The Registrant shall cease all sale, distribution and use of existing stocks of manufacturing use products in the U.S. no later than the later of (a) August 1, 2002, or (b) ninety (90) calendar days after the registrant has received EPA approval of revised labels as provided in paragraph B below, except that the Agency may allow use of existing stocks of such manufacturers use products if such use is limited to manufacturing registered pesticides that do not permit Group 1 uses (as that term is defined in paragraph I(B) below).

2. The Registrant shall cease all sale and distribution of existing stocks of end-use products in the U.S. no later than the later of (a) September 1, 2002, or (b) ninety (90) calendar days after the registrant has received EPA approval of revised labels as provided in paragraph B below.

B. Labeling Amendments. No later than fourteen (14) working days after the effective date of this Agreement, each Registrant shall submit to EPA applications to amend the labeling of its azinphos methyl products. Each application for amended labeling shall: (a) delete all statements permitting the uses set forth in Appendix A (the "Group 1 Uses"); (b) on applications for manufacturing use labels, contain a provision allowing formulation only for use on crops listed on Appendices B and C; and (c) on end-use applications, include labeling that incorporates the relevant provisions set forth on Appendix D and deletes language inconsistent with those provisions. The applications shall include no other changes without the express prior written approval of EPA. EPA will review the applications for amendment and notify the

Registrant of any deficiencies within ten (10) working days of receipt. Each Registrant so notified shall then have ten (10) working days to correct the deficiency(ies). EPA shall approve each initial application, or any corrected application, within fourteen (14) working days of receipt. All products released for shipment by a Registrant after the latest of the following dates shall bear the new labeling: (i) ninety (90) calendar days after the Registrant's receipt of revised, stamped approved labels; or (ii) the dates pertinent to that product set forth in paragraphs A(1) and (2) above. Upon request from a Registrant, EPA shall contact appropriate state registration authorities and encourage them to expedite their consideration of any applications filed by the Registrant within that state to obtain state approvals of changes to registrations or labels necessitated by this Agreement.

Section II. Amended Registrations to Facilitate Certain Terms and Conditions Relating to Group 2 and Group 3 Uses

In addition to the label amendments described above, the amendment applications filed by each Registrant under Section I also shall include a request to impose certain registration conditions that the Registrant agrees to accept. These conditions are set forth in Sections III and IV of this Agreement. EPA will not approve any amendment application that seeks to impose any condition that is inconsistent with, or contains any provisions that are in addition to, those set forth in Sections I, III and IV of this Agreement, unless those provisions have been added to the application with the express prior written approval of EPA. The amendment applications shall be contingent on the Agency's imposition of the conditions set forth in both Sections. In the event that the Agency does not approve the amended registrations or seeks to impose conditions or amendments other than those identified in this Agreement, the amendment applications filed by each Registrant shall be considered to be withdrawn before Agency action upon them.

Section III. Group 2 Uses

EPA and the Registrants have agreed that the registration of azinphos methyl for the crop uses set forth in Appendix B shall expire as set forth in this Section. The provisions set forth in this Section III shall be incorporated as terms and conditions of registration for each registration granted in response to the applications for amendment filed by a Registrant under Sections I and II.

A. MUPs. If the registration is for a manufacturing use product, the following provisions shall be incorporated as terms and conditions of the registration:

1. The registration of this product for use on the crops listed on Appendix B (the "Group 2 Uses") shall expire on March 31, 2005, subject to the limitations set forth in paragraphs III(A)(3) and (4) below.

2. No later than January 3, 2005 the registrant of this product shall file an application to amend this registration to delete the Group 2 Uses as of March 31, 2005. The application to amend shall also be considered to constitute a request under Section 6(f) of FIFRA for cancellation of the uses and each Registrant's transmittal letter shall provide that, to the extent EPA considers the amendment a Section 6(f) request, the registrant waives on its own behalf the 180 day comment period on such a request. EPA will review the application for amendment and notify the registrant of any deficiencies within ten (10) working days of receipt. The registrant shall then have ten (10) working days to correct the deficiency(ies). In any event, the product shall not be released for shipment after June 30, 2005, unless it bears labeling that excludes the Group 2 Uses.

3. Subject to paragraph (A)(4), no later than March 31, 2005, EPA shall approve the initial application or corrected application and shall issue a cancellation order that permits the sale, distribution and use of existing stocks of this product in the U.S. until August 31, 2005. In the event that the Agency issues an order that seeks to impose provisions for existing stocks that are different than the foregoing sentence, the application to amend shall be considered to be withdrawn before Agency action upon it and the registration of this product for use on the Group 2 Uses shall not expire. In the event that the Agency does not issue such cancellation order by March 31, 2005, the registration of this product shall not expire until the time such order is issued, and sale and distribution of existing stocks shall be extended by an equal period.

4. In the event that EPA fails to approve the registrant's application to amend this registration as described in paragraph (A)(2) and substantially identical registration applications to amend all other existing azinphos methyl MUP registrations, this registration shall not expire until the last of the filed applications has been approved. In the event that any registrant of an azinphos methyl manufacturing use product fails to file an application in accordance with paragraph (A)(2), the registration of this product for use on Group 2 Uses shall not expire until such time as EPA initiates cancellation proceedings against such registrant under FIFRA.

B. EUPs. If the registration is for an end-use product, the following provisions shall be incorporated as terms and conditions of the registration:

1. The registration of this product for use on the crops listed on Appendix B (the "Group 2 Uses") shall expire on August 31, 2005, subject to the limitations set forth in paragraphs III(B)(3) and (4) below.

2. No later than June 1, 2005, the registrant of this product shall file an application to amend this registration to delete the Group 2 Uses as of August 31, 2005. The application to amend shall also be considered to constitute a request under Section 6(f) of FIFRA for cancellation of the uses and each registrant's transmittal letter shall provide that, to the extent EPA considers the amendment a Section 6(f) request, the registrant waives on its own behalf the 180 day comment period on such a request. EPA will review the application for amendment and notify the registrant of any deficiencies within ten (10) working days of receipt. The registrant shall then have ten (10) working days to correct the deficiency. In any event, this product shall not be released for shipment after August 31, 2005, unless it bears labeling that excludes the Group 2 Uses.

3. Subject to paragraph (B)(4), no later than August 31, 2005, EPA shall approve the initial application or corrected application and shall issue a cancellation order that permits the sale and distribution of existing stocks of this product in the U.S. until August 31, 2005. The order shall also permit the use of existing stocks of this product in the U.S. until December 31, 2005. Each Registrant shall notify its customers that use of this product on Group 2 uses will not be legal after December 31, 2005. Upon providing product for sale after January 1, 2005, those registrants whose customers are dealers shall provide the dealers with point of sale materials with which those dealers may notify customers of this limitation. In the event that the Agency issues an order that seeks to impose provisions for existing stocks that are different than the foregoing sentence, the application to amend shall be considered to be withdrawn before Agency action upon it and the registration of this product for use on the Group 2 Uses shall not expire. In the event that the Agency does not issue such cancellation order by August 31,

2005, the registration of this product shall not expire until the time such order is issued, and sale and distribution of existing stocks shall be extended by an equal period.

4. In the event that EPA fails to approve the registrant's application to amend this registration described in paragraph (B)(2) and substantially identical registration applications to amend all other existing azinphos methyl EUP registrations, this registration shall not expire until the last of the filed applications has been approved. In the event that any registrant of an azinphos methyl end use product fails to file such an application, the registration of this product for use on Group 2 Uses shall not expire until such time as EPA initiates cancellation proceedings under FIFRA against such other registration(s).

Section IV. Group 3 Uses

The provisions of paragraphs A-G of this Section IV shall be incorporated as terms and conditions of the registrations granted in response to the applications for amendment filed by each registrants under Sections I and II. These provisions implement the agreement between EPA and the Registrants that the registration of azinphos methyl for each of the crop uses set forth in Appendix C (the "Group 3 Uses") shall expire on October 31, 2005, unless, as to each particular use, either (a) EPA has granted as to that use the application described in paragraph A(1) below; (b) the Registrant has reached an agreement with EPA to further modify the application as to that use and the Registrant has filed an amended application for such use; or (c) the relevant conditions set forth in this Section have been met, in which case the registration may expire at some other time pursuant to that provision. In the event of expiration of that registration (whether it should occur on October 31, 2005, or at some other date by virtue of the operation of other provisions of this Section IV), EPA agrees that it will incorporate the existing stocks provisions set forth in paragraph IV(F) in the cancellation order that confirms such expiration.

A. Unless the acts described in paragraphs A(1) through A(3) (hereinafter, the “Extension Actions”) have occurred, the registration of this product for use on each crop listed as a Group 3 Use in Appendix C to the Memorandum of Agreement between EPA and the Registrants of Pesticide Products Containing Azinphos Methyl shall expire as of the later of (i) October 31, 2005, or (ii) if the registrant has complied with paragraphs 1 and 2 below, fifteen(15) calendar days after the registrant’s receipt of a denial by EPA of its application submitted to EPA pursuant to paragraph 2 below. If the Extension Actions have occurred, expiration shall occur as set forth below.

1. The registrant has submitted to EPA (individually or jointly with one or more other registrants) all data requested by the Azinphos Methyl Data Call-In issued on April 23, 2002 (the “DCI”) that are required to support that use. The terms “submitted” and “required to support that use” are defined for purposes of this paragraph in paragraph A(4) below.

2. The registrant has submitted to EPA by July 31, 2004, an application to amend its registrations to extend or remove the expiration of that use under the directions for use set forth in Appendix D or such other directions as EPA and the registrant shall agree (hereinafter, the “Extension Application”).

3. Either (i) EPA has taken no action on the Extension Application, or (ii) EPA has denied the Extension Application as to one or more uses and within fifteen (15) calendar days of its receipt of that notification the registrant has filed a request under Sections 3(c)(6) and 6(b) of FIFRA for a hearing on such denial. The registrant hereby waives its right to receive a 30 day notice letter under FIFRA Section 3(c)(6) indicating EPA’s intention to deny the amendment request.

4. (a) For purposes of condition IV(A)(1), the word “submitted” means (i) that the data has been delivered to EPA (including a complete copy to be delivered directly to the chemical review manager for azinphos methyl in the Special Review and Reregistration Division of the Office of Pesticide Programs, has been found by EPA to pass review under PR Notice 86-5, and EPA has not found within ten (10) working days of its receipt by the Agency that the study does not include all elements specified in the study protocol; or (ii) that the data has been delivered to EPA, EPA has notified the registrant within ten (10) working days of EPA’s receipt of one or more deficiencies in the data submission with regard to compliance with PR Notice 86-5 or that the study does not include all elements specified in the study protocol, and within ten (10) working days thereafter the registrant has corrected that deficiency, deficiencies, omission or omissions, or has reached an agreement with

EPA to allow further time for such correction. The following procedures shall govern registrant requests for protocol review or waivers:

(A) No later than May 24, 2002, EPA shall meet with the registrants to discuss the requirements of the DCI. Registrants, acting either jointly or individually, shall submit proposed protocol(s) and/or waiver requests in response to the DCI within thirty (30) calendar days of that meeting. EPA shall act on any waiver requests and approve the protocols (or specify any modifications necessary thereto) within those thirty (30) calendar days of EPA's receipt of such requests and/or protocols unless within that thirty (30) calendar days EPA notifies the registrant(s) that no action will be taken by that deadline.

(B) In the event EPA provides such a notification, the deadlines for all data submissions that would be affected by the waiver request or protocol shall be extended by a period adequate to allow the reasonable production of the data, which shall be specified by EPA in the notification. If any registrant benefiting from such an extension believes the period of extension(s) is/are inadequate, the registrant may appeal the matter to the EPA Assistant Administrator for Pesticides and Toxic Substances, who shall act on that appeal within ten (10) working days of its receipt. In the event the EPA Assistant Administrator for Pesticides and Toxic Substances denies the appeal or fails to substantively respond to it within ten (10) working days, final agency action shall be deemed to have occurred and the registrant may take such legal action as may be available under applicable law.

(C) In the event that EPA denies a waiver request or request for modification of a protocol, the registrant shall have the right to challenge that decision as provided under FIFRA and other applicable law.

(D) Nothing in this paragraph shall limit EPA's rights under FIFRA Section 3(c)(2)(B).

(b) For purposes of this paragraph, the term "required to support that use" means the studies listed for particular crop uses in Appendix E.

B. If the Extension Actions have occurred, any final order issued by EPA for the uses for which a hearing has been requested shall be consistent with the ruling in that hearing, and shall include the existing stocks provisions set forth in paragraph IV (F) as to the uses for which a hearing has been requested under paragraph IV (A)(3).

C. If the hearing requested by the registrant has been completed and a final

order after that hearing has been issued by the Administrator prior to October 31, 2005 denying the extension of all or some of the uses subject to the Extension Application, the final cancellation order affecting those uses consistent with that ruling shall be issued by EPA effective as of October 31, 2005 and shall include the existing stocks provisions set forth in paragraph IV (F). In the event that such a final order is issued on or after October 31, 2005 but before October 31, 2006, the final cancellation order consistent with that ruling shall be effective at such time as the Administrator shall direct and shall include the same existing stocks provisions.

D. EPA may issue a cancellation order incorporating the existing stocks provisions set forth in paragraph IV (F) at any time after October 31, 2006, but before completion of any denial hearing requested pursuant to paragraph (A)(3) for any registration and use that is the subject of a hearing, unless a registrant has requested with respect to such registration and use, on or before October 1, 2006, that the presiding Administrative Law Judge make a determination that the failure to issue an initial decision prior to October 31, 2006 will be a result of circumstances that were within the reasonable control of EPA or any other proponent of denial, or will be the result of extraordinary circumstances beyond the control of the registrant (including, but not limited to, an extended shutdown of the government, the unavailability of the administrative law judge, or acts of war or terrorism)(such reasons hereinafter referred to as the "Extension Criteria"). If a request is made that the presiding administrative law judge make a determination the regarding Extension Criteria, EPA may issue a cancellation order incorporating the existing stocks provision set forth in paragraph IV (F) at any time after the Administrative Law Judge informs the parties that he/she does not believe the Extension Criteria have been met. If the Administrative Law Judge notifies the parties that the Extension Criteria have been met, EPA may not issue a cancellation order until, and consistent with, a final decision in the hearing and the existing stocks provision in paragraph IV (F); except that if a registrant fails to comply with a subsequent scheduling deadline in the proceeding without having obtained permission for such noncompliance from the presiding Administrative Law Judge or, if the matter is pending before the Environmental Appeals Board, the Environmental Appeals Board, EPA may issue a cancellation order incorporating the existing stocks provisions set forth in paragraph IV (F) at any time after seven (7) calendar days after the date of noncompliance with the particular deadline and seven (7) calendar days after notifying the registrant of its intention to issue such an order. Nothing in this paragraph shall be construed as preventing EPA and the registrants from entering into an agreement during the hearing or any appeal thereof that establishes a different date than October 31, 2006 that shall apply to this paragraph. Notwithstanding any other provision of this section, if EPA issues a denial of an application submitted pursuant to paragraph IV(A)(2) of this section that is received by a registrant after April 30, 2005, the date one year and six months after the registrant's receipt of the denial

shall replace October 31, 2006 in all places in this paragraph and paragraph IV(C) of this section, and the date one year and five months after the registrant's receipt of the denial shall replace October 1, 2006 in this paragraph.

E. In any hearing commenced under FIFRA Sections 3(c)(6) and 6 and 40 C.F.R. Part 164 to challenge the EPA's denial of the registrant's application to extend or remove the expiration of some or all of the Group 3 Uses, the registrant agrees not to challenge any schedule proposed by EPA pertaining to such hearing as long as the proposed schedule would grant to the registrant in that hearing identical periods of time to take actions and file pleadings as EPA is allowed for such analogous actions. Each registrant further agrees to cooperate with EPA in seeking to expedite any such hearing.

F. The following existing stocks provisions shall be incorporated (directly or by reference) into any cancellation orders issued pursuant to this Section : (1) all sale and distribution of existing stocks of affected end-use products by a registrant shall cease no later than one hundred-twenty (120) days after the effective date of the order; and (2) all use of existing stocks of affected end use products shall be prohibited at October 31 of that year or, if the cancellation order is issued after July 1, October 31 of the next year. In the event that the EPA does not issue such final cancellation orders, or issues an order that seeks to impose provisions for existing stocks that are different than the foregoing sentence, the registration of this product for Group 3 Uses shall not expire.

G. In the event that the registrant does not file by July 31, 2004 a registration amendment to extend or remove the expiration date from this registration for one or more of the Group 3 Uses, the registrant shall cease releasing for shipment products bearing labeling instructions for such use(s) on June 30, 2005, and EPA shall issue a cancellation order that incorporates the existing stocks provisions of paragraph IV(F).

Section V. Suspension Under Section 3(c)(2)(B)

EPA acknowledges that the requirements set forth in the Data Call-In issued to azinphos methyl registrants on April 23, 2002 supercede all outstanding requirements of previously issued azinphos methyl data call-ins, and that it has no current intention to initiate any action under Section 3(c)(2)(B) of FIFRA with respect to any registrant's compliance with any such earlier data call-in.

Section VI. Effects of Other Proceedings

A. In the event that any person, acting independently of any Registrant, asserts in any judicial forum that this agreement (or any provision hereof) is inconsistent with the Consent Decree approved by the Court on September 25, 2001 in *NRDC v. EPA* (Civ. Act. No. C99-03701 WHA) or otherwise files an action challenging the lawfulness of this Agreement, and obtains a Court Order finding, unlawful any provision of this Agreement that limits a Registrant's ability to sell or distribute azinphos methyl product for any use that is lawful as of the effective date of this Agreement, or a settlement with the government which has the same effect, each Registrant shall be relieved of all obligations to comply with all of the following provisions: Sections III, IV, VII, and VIII. Nothing in this Agreement shall limit the right of any registrant to intervene in any proceeding to support the legality and appropriateness of this Agreement.

B. If a Registrant believes that any judicial or administrative proceeding or decision not addressed in Section VI(A) above may either directly or indirectly impact this Agreement, such Registrant shall notify EPA as promptly as possible of its belief. The Registrants and EPA agree to meet within seven (7) calendar days of EPA's receipt of such notification to discuss in good faith whether any changes to this Agreement are appropriate and, if so, to negotiate in good faith to adopt appropriate changes.

Section VII. Limited Waiver of Challenge Rights

Each Registrant agrees that it will not challenge or provide financial or technical assistance to anyone challenging in any judicial or administrative proceeding any of the provisions of this Agreement and/or any cancellation orders or FIFRA Section 6(f) notices putting the terms of this Agreement into effect. Notwithstanding the foregoing sentence, nothing

in this paragraph shall limit a Registrant's right to:

(1) provide information concerning azinphos methyl to any other entity unless it can reasonably be anticipated that such information is intended to be used by that entity in litigation against EPA for the purposes of challenging any of the provisions of or implementation of this Agreement;

(2) challenge (in any forum) the EPA's failure to apply to azinphos methyl after the date of this Agreement any changes in, or adoption of, EPA policies of general applicability that would result in a material change in the limitations or obligations imposed on the Registrants under this Agreement;

(3) support or participate in any action (in any forum) that challenges any EPA policy or practice of general applicability (except for challenges relative to the legality of registration expiration) that may affect the limitations or obligations of the Registrants under this Agreement, including the support of or participation in the activities of any trade association or coalition that is involved in any such challenge, and expressly but not limited to any consent decree into which EPA has entered and any suit challenging the lawfulness of EPA's refusal to consider "human studies" in the reregistration of pesticides;

(4) defend any personal injury/toxic tort suit and raise any defense in such suit;

(5) submit applications for registration of azinphos methyl products (EPA acknowledges that nothing in this Agreement shall be construed as requiring that any such application be subject to the provisions of 40 C.F.R. Part 164, subpart D); or

(6) intervene or otherwise participate in any proceeding that challenges the lawfulness of this Agreement or any provision thereof, where such intervention or participation is intended to support the lawfulness of the Agreement or such provision.

Section VIII. Effect of Failure to Comply

Each registrant agrees that its failure to comply with any of the following conditions of registration set forth in this Agreement shall be grounds for cancellation of its affected registration(s) under FIFRA Section 6(e): Sections III (A) (1)-(4); III (B)(1)-(4); IV(A)-(G), and VII.

Section IX. Other Registrations or Registration Amendments

EPA does not intend at this time to grant any application for registration, or amendment to any existing registration, of any product containing azinphos methyl unless the registration includes all applicable terms and conditions of this Agreement. If EPA does so with terms and conditions different than those set forth in this Agreement, any Registrant may request (through appropriate applications for new registrations or amendments to existing registrations) registrations with similar conditions pursuant to FIFRA Section 3(c)(7)(A). EPA intends to grant any such application expeditiously. By way of example but not limitation, EPA expressly intends that this provision would apply if EPA should agree with a registrant to change any directions for use as part of an agreement to settle any hearing challenging the denial of an application for a registration amendment.

Section X. Effective Date

This Agreement shall take effect and be binding on a Registrant on the date that it has been signed by EPA and either:

(1) all other registrants of azinphos methyl products listed below have signed the agreement;

(2) for registrants listed below who have failed to sign the Agreement, EPA has approved applications to amend the registrations of azinphos methyl products held by those Registrants who failed to sign this Agreement that include the following provisions:

(A) terminate immediately all Group 1 uses identified in Appendix A or formulation into those uses, with existing stocks provisions not longer than those provided in Section I(A)(1) and I(A)(2) of this Agreement;

(B) terminate as of March 31, 2005 all formulation for Group 2 uses identified in Appendix B with existing stocks provisions not longer than those provided in Section III(A)(3) of this Agreement;

(C) terminate as of August 31, 2005 all Group 2 uses identified in Appendix B with existing stocks provisions not longer than those provided in Section III(B)(3) of this Agreement; and

(D) an expiration date of October 31, 2005 for Group 3 uses identified in Appendix C and formulation for those uses, with existing stocks provisions not longer than those provided in Section IV(F) of this Agreement; or

(3) EPA has cancelled the azinphos methyl product registrations of those registrants listed below who did not sign the Agreement and whose azinphos methyl product

registrations have not been amended in accordance with paragraph (2) above.

Section XI. Reservation of Rights; Individual Responsibilities of Registrants

A. Nothing in this Agreement shall be construed as preventing EPA from initiating any regulatory action it deems appropriate under FIFRA or the FFDCA, nor shall it be construed as preventing any signatory Registrant from raising any otherwise appropriate defense or challenge to such action.

B. Each signatory Registrant shall be responsible solely for its own individual compliance with the obligations set forth in this Agreement.

Section XII. Effect on Tolerances

Nothing in this Agreement constitutes a finding that the use of azinphos methyl presents a dietary risk to humans posed by residues in food or otherwise requires that EPA act to revoke any azinphos methyl tolerance. By executing this Agreement, Registrants state their belief that all azinphos methyl tolerances in existence as of the Effective Date of this Agreement are necessary to support imports of agricultural products into the United States, and the Agency acknowledges that it has been informed of this fact. EPA further agrees that, in any Federal Register notice based in whole or in part on this Agreement that proposes revocation of such a tolerance, it will state that no Registrant has proposed or endorsed such revocations .

WE AGREE TO THIS:

U.S. Environmental Protection Agency

Date

Authorized Agent, Bayer Corporation

Date

Authorized Agent,
Makhteshim Chemical Works, Ltd. and
Makhteshim-Agan of North America, Inc.

Date

Authorized Agent,
Gowan Company

Date

Authorized Agent,
Micro-Flo Corporation

Date

Authorized Agent,
Platte Chemical Company

Date

Appendices

Appendix A: Group 1 Uses

Appendix B: Group 2 Uses

Appendix C: Group 3 Uses

Appendix D: Label Mitigation Measures

Appendix E: Studies Pertinent to Particular Uses

Appendix A: Group 1 uses / voluntary use deletions

1. Alfalfa
2. Beans (succulent and snap)
3. Birdsfoot trefoil
4. Broccoli
5. Cabbage (including Chinese)
6. Cauliflower
7. Citrus
8. Celery
9. Clover
10. Cucumbers
11. Eggplant
12. Filberts
13. Grapes
14. Melons (honeydew melons, muskmelon/cantaloupe, watermelons, other melons)
15. Onions, green
16. Onions, dry bulb
17. Pecans
18. Peppers
19. Plums and dried plums
20. Quince
21. Spinach
22. Strawberries
23. Tomatoes

Appendix B: Group 2 uses / phase out in 2005

1. Cotton
2. Cranberries
3. Nectarines
4. Peaches
5. Potatoes
6. Southern pine seed orchards
7. Caneberries (blackberries, boysenberries, loganberries, raspberries): *application to canes and soil*

Appendix C: Group 3 Uses / Time Limited Registrations (Expire October 31, 2005 unless additional submitted data supports continued use past 2005)

1. Almonds
2. Apples and crab apples
3. Blueberries, lowbush and highbush
4. Brussels sprouts: *application to soil at transplant only*
5. Cherries, sweet and tart
6. Nursery stock, *for control of black vine weevil in association with meeting state nursery stock inspection and certification requirements only*
7. Parsley
8. Pears
9. Pistachios
10. Walnuts

Appendix D: Summary of Labeling Changes for Azinphos-methyl

Description	Amended Labeling Language	Placement on Label
Manufacturing Use Products		
One of these statements may be added to a label to allow reformulation of the product for a specific use or all additional uses supported by a formulator or user group	“Only for formulation into an insecticide for the following use(s) [fill blank only with those uses that are being supported by MP registrant].”	Directions for Use
	“This product may be used to formulate products for specific use(s) not listed on the MP label if the formulator, user group, or grower has complied with U.S. EPA submission requirements regarding support of such use(s).”	Directions for Use
	“This product may be used to formulate products for any additional use(s) not listed on the MP label if the formulator, user group, or grower has complied with U.S. EPA submission requirements regarding support of such use(s).”	
Formulation Restriction	This product may only be used to formulate liquid end-use products or wettable powder end-use products that are packaged in water soluble packaging.	Directions for Use
Environmental Hazards Statements Required by the RED and Agency Label Policies	“Environmental Hazards:”	Precautionary Statements
	“This pesticide is toxic to fish and aquatic invertebrates. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.”	
End Use Products Intended for Occupational Use (WPS Only)		
Handler PPE requirements (all formulations)	Note the following information when preparing labeling for all end use products:	Handler PPE Statements
	For sole-active-ingredient end-use products that contain AZM, the product label must be revised to adopt the handler personal protective equipment (PPE)/engineering control requirements set forth in this section. Any conflicting PPE requirements on the current label must be removed.	
	For multiple-active-ingredient end-use products that contain AZM, the handler PPE/engineering	

Description	Amended Labeling Language	Placement on Label
PPE Requirements Established by the RED for liquid products	control requirements set forth in this section must be compared with the requirements on the current label, and the more protective language must be retained. For guidance on which requirements are considered to be more protective, see PR Notice 93-7.	
	PPE that is established on the basis of Acute Toxicity testing with the end-use products must be compared with the active ingredient PPE specified below in this document. The more protective PPE must be placed in the product labeling. For example, the Handler PPE in this RED does not require protective eyewear which may be required by the Acute Toxicity testing for the end-use product. For guidance on which PPE is considered more protective, see PR Notice 93-7.	
	<p>“Personal Protective Equipment (PPE)”</p> <p>“Some materials that are chemical-resistant to this product are” (<i>registrant inserts correct chemical resistant material</i>). “If you want more options, follow the instructions for category” [registrant inserts A, B, C, D, E, F, G, H] “on an EPA chemical-resistance category selection chart.”</p> <p>“Mixers, loaders, applicators using aerial equipment, and other handlers using engineering controls must wear:</p> <ul style="list-style-type: none"> - Long-sleeved shirt and long pants - Shoes plus socks” <p>“In addition to the above, mixers and loaders must wear:</p> <ul style="list-style-type: none"> - Chemical-resistant gloves - Chemical-resistant apron - Protective eyewear” 	Immediately following/below Precautionary Statements: Hazards to Humans and Domestic Animals
PPE Requirements Established by the RED for liquid products	“Use of fully enclosed cabs can result in reduced exposure to pesticides. Applicators using motorized ground equipment who are not in fully enclosed cabs ¹ , persons (other than flaggers) supporting aerial application within 300 feet of the application site, and handlers engaged in those activities for which use of an engineering control is not possible, such as cleaning up a spill or leak and cleaning or repairing	Immediately following/below Precautionary Statements: Hazards

¹NOTE: No later than October, 2005, all applicators, including applicators using motorized ground equipment, must be in fully enclosed cabs.

Description	Amended Labeling Language	Placement on Label
<p>PPE Requirements Established by the RED for wettable powder</p> <p>Only products marketed in water soluble packets will be eligible for reregistration</p>	<p>“Use of fully enclosed cabs can result in reduced exposure to pesticides. Applicators using motorized ground equipment who are not in fully enclosed cabs², persons (other than flaggers) supporting aerial application within 300 feet of the application site, and handlers engaged in those activities for which use of an engineering control is not possible, such as cleaning up a spill or leak and cleaning or repairing contaminated equipment, must wear:</p> <ul style="list-style-type: none"> -- coveralls over long-sleeve shirt and long pants, -- chemical-resistant gloves, -- chemical-resistant footwear plus socks, -- protective eyewear, -- chemical-resistant apron if exposed to the concentrate, -- chemical-resistant headgear for overhead exposure, and -- A respirator with an organic-vapor removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C), or a canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G), or a NIOSH-approved respirator with an organic vapor (OV) cartridge or canister with any N, R or P or He prefilter.” <p>“See Engineering Controls for additional requirements.”</p> <p><i>Note: The registrant must drop the N-series filter from the respirator filter designation if the pesticide product contains or is used with oil.</i></p>	<p>Immediately following/below Precautionary Statements: Hazards to Humans and Domestic Animals</p>
<p>User Safety Requirements</p>	<p>“Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.”</p> <p>“Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product’s concentrate. Do not reuse them.”</p>	<p>Precautionary Statements: Hazards to Humans and Domestic Animals immediately following the PPE requirements</p>
<p>Engineering Controls for Liquid Formulations</p>	<p>“Engineering Controls”</p> <p>“Mixers and loaders must use a closed mixing and loading system that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4)] for providing dermal and inhalation protection. The system must be capable of removing the pesticide from the</p>	<p>Precautionary Statements: Hazards to Humans and Domestic Animals (Immediately</p>

²NOTE: No later than October, 2005, all applicators, including applicators using motorized ground equipment, must be in fully enclosed cabs.

Description	Amended Labeling Language	Placement on Label
Engineering Controls for Wettable Powder Formulations	<p>shipping container and transferring it into mixing tanks and/or application equipment. At any disconnect point, the system must be equipped with a dry disconnect or dry couple shut-off device that is warranted by the manufacturer to minimize drippage to not more than 2 ml per disconnect point.”</p> <p>“In addition, mixers and loaders must:</p> <ul style="list-style-type: none"> -- wear the personal protective equipment required in the PPE section of this labeling for mixer/loaders, -- wear protective eyewear if the system operates under pressure, -- be provided and have immediately available for use in case of an emergency, such as a broken package or spill, the PPE specified in the PPE section of this labeling for handlers engaged in those activities for which use of an engineering control is not possible.” <p>"Pilots must use an enclosed cockpit in a manner he requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(6)];”</p> <p>“Human flagging is prohibited”.</p> <p>“When handlers use enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240(d)(4-6), the handler PPE requirements may be reduced or modified as specified in the WPS.”</p>	following PPE and User Safety Requirements)
	<p>“Engineering Controls”</p> <p>“Water-soluble packets when used correctly qualify as a closed mixing/loading system under the Worker Protection Standard for Agricultural Pesticides [40 CFR 170.240(d)(4)]. Mixers and loaders using water-soluble packets must :</p> <ul style="list-style-type: none"> -- wear the personal protective equipment required above for mixers/ loaders, and -- be provided and must have immediately available for use in an emergency, such as a broken package, spill, or equipment breakdown: the PPE specified in the PPE section of this labeling for handlers engaged in those activities for which use of an engineering control is not possible.” <p>"Pilots must use an enclosed cockpit that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(6)];”</p> <p>“Human flagging is prohibited.”</p> <p>“When handlers use enclosed cabs in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240(d)(4-6), the handler PPE</p>	Precautionary Statements: Hazards to Humans and Domestic Animals (Immediately Following PPE and User Safety Requirements.)

Description	Amended Labeling Language	Placement on Label
User Safety Recommendations	requirements may be reduced or modified as specified in the WPS.”	Precautionary Statements: Hazards to Humans and Domestic Animals (Immediately Following Engineering Controls) (Must be placed in a box.)
	“User Safety Recommendations”	
	“Users should wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.”	
	“Users should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.” “Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.”	
Environmental Hazards	“This pesticide is extremely toxic to fish and wildlife. For terrestrial uses, do not apply directly to water or to areas where surface water is present or to intertidal areas below the mean high-water mark. Do not contaminate water when disposing of equipment washwater or rinsate. Drift and runoff may be hazardous to aquatic organisms in neighboring areas.”	Precautionary Statements (Immediately following the User Safety Recommendations)
	“This product is highly toxic to bees exposed directly to treatment of residues on crops. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area. Protective information may be obtained from your cooperative Agricultural Extension Service.”	
	“This chemical can contaminate surface water through spray applications. Under some conditions, it may also have a high potential for runoff into surface water after application. These include poorly draining or wet soils with readily visible slopes toward adjacent surface waters, frequently flooded areas, areas overlaying extremely shallow ground water, areas with in-field canals or ditches that drain to surface water, areas not separated from adjacent surface waters with vegetated filter strips, and areas over-laying tile drainage systems that drain to surface water.”	
Restricted-Entry Interval (REI)	“Do not enter or allow entry into treated areas during the restricted entry interval (REI). The REI for each crop is listed in the directions for use associated with each crop.”	Directions for Use, Agricultural Use Requirements Box
	“Under specified conditions, the Worker Protection Standard (WPS) allows workers to enter pesticide treated areas during a restricted entry interval (REI) to perform certain agricultural tasks. Azinphos-methyl is a double notification chemical. Under WPS, the following exceptions to the REI may apply to double notification chemicals:	

Description	Amended Labeling Language	Placement on Label
Restricted Entry Intervals (REI)	<p>–no contact early entry (40CFR170.112(b))</p> <p>–short term tasks with no hand labor (40CFR170.112(c))</p> <p>–tasks during an agricultural emergency (40CFR170.112(d)).</p> <p>For complete information on requirements for these early entry exceptions, please refer to “The Worker Protection Standard for Agricultural Pesticides - - How to Comply: What Employers Need to Know,” dated July 1993 (EPA735-B-93-001), and to the EPA website at http://www.epa.gov/pesticides/safety/workers/workers.htm.”</p> <p>“In addition, certified crop advisors and persons performing crop advising tasks under a qualified crop advisor's direct supervision are exempt from certain specified provisions of the WPS. For complete information on crop advisor exemptions under WPS, refer to 40CFR170.104.”</p>	Directions for Use, Under Application Instructions for Each Crop
	<p><i>The Directions for Use amendments to reflect the following REIs:</i></p>	
	<p>The REI for the following crops is 7 days:</p> <p>Blueberries, highbush and rabbiteye</p> <p>Brussels sprouts</p> <p>Caneberries (blackberries, boysenberries, longanberries, raspberries)</p> <p>Cotton</p> <p>Cranberries</p> <p>Potatoes</p>	
	<p>The REI for lowbush blueberries is 10 days</p>	
	<p>The REI for peaches and nectarines is 14 days</p>	
	<p>The REI for apples, crab apples, and pears is 14 days. In addition to the early entry exceptions allowed by the Worker Protection Standard, you may enter or allow workers to enter treated areas to perform fireblight pruning 7days following application as long as you and any workers wear coveralls over a long sleeved shirt and long pants, chemical resistant gloves made out of any waterproof material, chemical resistant footwear plus socks, chemical resistant headgear for over head exposures, and protective eyewear.”</p> <p>The REI for cherries (sweet and tart) is 15 days:</p>	

Description	Amended Labeling Language	Placement on Label
Restricted Entry Intervals (REI)	The REI for pistachios is 21 days	Directions for Use, Under Application Instructions for Each Crop
	The REI for the following crops is 30 days:	
	Almonds	
	Parsley	
Early Re-entry Personal Protective Equipment established by the RED.	Walnuts	Directions for Use, Agricultural Use Requirements Box
	The REI for nursery stock is 4 days	
Notification Requirements	The REI for southern pine seed orchards is 45 days	Directions for Use, Agricultural Use Requirements Box
	“PPE required for early entry into treated areas that is permitted under the Worker Protection Standard and involves contact with anything that has been treated, such as plants, soil, or water, is:	
Application Restrictions	Coveralls over long sleeved shirt and long pants; Chemical resistant gloves made out of any waterproof material; Chemical resistant footwear plus socks; Chemical Resistant headgear for over head exposures; Protective eyewear.”	Directions for Use, Just Above Agricultural Use Requirements Box
	“Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.”	
Application Restrictions	“Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.”	Directions for Use, Under Application Instructions for Each Crop
	<i>Labels must be amended to reflect the following application restrictions which supercede or are in addition to restrictions currently on labels:</i>	
	Almonds PHI = 30 days	

Description	Amended Labeling Language	Placement on Label
Application Restrictions	<p>Limit to 1 application of 2.0 lbs ai/A per year</p> <p>“Use during dormant season is prohibited.”</p> <p>“Aerial application is prohibited.”</p> <p>“For airblast applications, turn off outward pointing nozzles at row ends and when spraying the outer two rows.”</p> <p>“Do not graze livestock in treated orchards.” Any other conflicting grazing restrictions must be removed from the label.</p> <p>Apples and crab apples:</p> <p>PHI= 14 days for rates \leq 1.0 lb ai/A</p> <p>PHI= 21 days for rates $>$ 1.0 lb ai/A</p> <p>Limit applications to a maximum of 4.0 lbs ai/A per year</p> <p>Maintain maximum application rate at 1.0 lbs ai/A or 1.5 lbs ai/A in conjunction with an IPM program.</p> <p>Minimum of 7 days between applications</p> <p>“Use during dormant season is prohibited.”</p> <p>“Aerial application is prohibited.”</p> <p>“For airblast applications, turn off outward pointing nozzles at row ends and when spraying the outer two rows.”</p> <p>“Do not graze livestock in treated orchards.” Any other conflicting grazing restrictions must be removed from the label.</p> <p>“The user shall not authorize any person who is not covered by the Worker Protection Standard (WPS), such as members of the general public involved in “pick-your-own,” “U-pick,” or similar operations, to enter a treated area for 30 days after application.”³</p> <p>Blueberries, lowbush:</p> <p>PHI= 10 days</p> <p>Limit to 2 applications of 0.75 lbs ai/A per year</p> <p>Minimum of 10 days between applications</p>	Directions for Use, Under Application Instructions for Each Crop

³NOTE: Effective October, 2005, the user shall not authorize any person not covered by the Worker Protection Standard (WPS), such as members of the general public participating in “pick your own,” “U-pick,” or similar operations, to enter an area that has been treated with azinphos-methyl during the same growing season. This requirement will take effect unless data are submitted to EPA by July 31, 2004, and EPA determines that these data are sufficient to demonstrate the adequacy of any proposed re-entry restrictions for persons not covered by the WPS.

Description	Amended Labeling Language	Placement on Label
Application Restrictions	<p>“This product may only be applied in Maine.”</p> <p>“The user shall not authorize any person who is not covered by the Worker Protection Standard (WPS), such as members of the general public involved in “pick-your-own,” “U-pick,” or similar operations, to enter a treated area for 30 days after application.”⁴</p> <p>Blueberries, highbush and rabbiteye: PHI= 7 days Limit to 2 applications of 0.75 lbs ai/A per year Minimum of 10 days between applications “This product may only be applied in the following States: Alabama, Arkansas, Florida, Georgia, Indiana, Michigan, New Jersey, New York, and North Carolina.” “For airblast applications, turn off outward pointing nozzles at row ends and when spraying the outer two rows.” “The user shall not authorize any person who is not covered by the Worker Protection Standard (WPS), such as members of the general public involved in “pick-your-own,” “U-pick,” or similar operations, to enter a treated area for 30 days after application.”⁵</p> <p>Brussels sprouts: PHI= 7 days Limit to 1 application of 0.75 lbs ai/A per year “Apply to soil at transplant only.” All other applications must be removed from the label. “For control of cabbage root maggot only.” Any other pests must be removed from the label.</p>	Directions for Use, Under Application Instructions for Each Crop
Application Restriction	Caneberries (blackberries, boysenberries, longanberries, raspberries)	Directions for Use

⁴NOTE: Effective October, 2005, the user shall not authorize any person not covered by the Worker Protection Standard (WPS), such as members of the general public participating in “pick your own,” “U-pick,” or similar operations, to enter an area that has been treated with azinphos-methyl during the same growing season. This requirement will take effect unless data are submitted to EPA by July 31, 2004, and EPA determines that these data are sufficient to demonstrate the adequacy of any proposed re-entry restrictions for persons not covered by the WPS.

⁵NOTE: Effective October, 2005, the user shall not authorize any person not covered by the Worker Protection Standard (WPS), such as members of the general public participating in “pick your own,” “U-pick,” or similar operations, to enter an area that has been treated with azinphos-methyl during the same growing season. This requirement will take effect unless data are submitted to EPA by July 31, 2004, and EPA determines that these data are sufficient to demonstrate the adequacy of any proposed re-entry restrictions for persons not covered by the WPS.

Description	Amended Labeling Language	Placement on Label
	<p>PHI= 7 days</p> <p>Limit to 2 applications of 0.5 lbs ai/A per year</p> <p>Minimum of 10 days between applications</p> <p>“Apply to lower portion of canes and soil only.” All other applications must be removed from the label.</p> <p>“For control of raspberry crown borer only.” Any other pests must be removed from the label.</p> <p>“The user shall not authorize any person who is not covered by the Worker Protection Standard (WPS), such as members of the general public involved in “pick-your-own,” “U-pick,” or similar operations, to enter a treated area for 30 days after application.”</p>	Under Application Instructions for Each Crop
	<p>Cherries, sweet and tart</p> <p>PHI = 15 days</p> <p>Limit to 2 applications of 0.75 lbs ai/A per year</p> <p>Minimum of 14 days between applications</p> <p>“Use during dormant season is prohibited.”</p> <p>“Aerial application is prohibited.”</p> <p>“For airblast applications, turn off outward pointing nozzles at row ends and when spraying the outer two rows.”</p> <p>“Do not graze livestock in treated orchards.” Any other conflicting grazing restrictions must be removed from the label.</p> <p>“The user shall not authorize any person who is not covered by the Worker Protection Standard (WPS), such as members of the general public involved in “pick-your-own,” “U-pick,” or similar operations, to enter a treated area for 30 days after application.”⁶</p>	
Application Restrictions	<p>Cotton:</p> <p>PHI= 7 days</p> <p>Limit to 3 applications of 0.5 lbs ai/A per year</p> <p>Minimum of 5 days between applications</p> <p>“For control of boll weevil only.” Any other pests must be removed from the label.</p>	Directions for Use Under Application Instructions for Each Crop

⁶NOTE: Effective October, 2005, the user shall not authorize any person not covered by the Worker Protection Standard (WPS), such as members of the general public participating in “pick your own,” “U-pick,” or similar operations, to enter an area that has been treated with azinphos-methyl during the same growing season. This requirement will take effect unless data are submitted to EPA by July 31, 2004, and EPA determines that these data are sufficient to demonstrate the adequacy of any proposed re-entry restrictions for persons not covered by the WPS.

Description	Amended Labeling Language	Placement on Label
Application Restrictions	<p>“Mechanical harvesting is required.”</p> <p>“This product may only be applied in Texas and Missouri.”</p> <p>Cranberries: PHI= 21 days Limit to 2 applications of 1.0 lbs ai/A per year Minimum of 14 days between applications</p> <p>Parsley: PHI = 30 days Limit to 2 applications of 0.5 lbs ai/A per year Minimum of 30 days between applications “For control of carrot root weevil only.” Any other pests must be removed from the label. “Aerial application is prohibited.” “This product may only be applied in Ohio and New Jersey.”</p>	Directions for Use Under Application Instructions for Each Crop
	<p>Peaches and nectarines PHI= 21 days Limit to 2 applications of 1.125 lbs ai/A per year Minimum of 14 days between applications “Use during dormant season is prohibited.” “Aerial application is prohibited.” “For airblast applications, turn off outward pointing nozzles at row ends and when spraying the outer two rows.” “Do not graze livestock in treated orchards.” Any other conflicting grazing restrictions must be removed from the label. “The user shall not authorize any person who is not covered by the Worker Protection Standard (WPS), such as members of the general public involved in “pick-your-own,” “U-pick,” or similar operations, to</p>	

⁷NOTE: Effective October, 2005, the user shall not authorize any person not covered by the Worker Protection Standard (WPS), such as members of the general public participating in “pick your own,” “U-pick,” or similar operations, to enter an area that has been treated with azinphos-methyl during the same growing season. This requirement will take effect unless data are submitted to EPA by July 31, 2004, and EPA determines that these data are sufficient to demonstrate the adequacy of any proposed re-entry restrictions for persons not covered by the WPS.

Description	Amended Labeling Language	Placement on Label
	<p>enter a treated area for 30 days after application.”</p> <p>Pears PHI= 14 days for rates \leq 1.0 lb ai/A PHI= 21 days for rates $>$ 1.0 lb ai/A Limit to a maximum of 3 applications and 3.0 lbs ai/A per year Maintain maximum application rate at 1.0 lbs ai/A or 1.5 lbs ai/A in conjunction with an IPM program Minimum of 7 days between applications “Use during dormant season is prohibited.” “Aerial application is prohibited.” “For airblast applications, turn off outward pointing nozzles at row ends and when spraying the outer two rows.” “Do not graze livestock in treated orchards.” Any other conflicting grazing restrictions must be removed from the label. “The user shall not authorize any person who is not covered by the Worker Protection Standard (WPS), such as members of the general public involved in “pick-your-own,” “U-pick,” or similar operations, to enter a treated area for 30 days after application.”⁷</p>	
Application Restrictions	<p>Pistachios PHI = 21 days Limit to 1 application of 2.0 lbs ai/A per year “This product may only be applied in Arizona and California.” “Use during dormant season is prohibited.” “Aerial application is prohibited.” “For airblast applications, turn off outward pointing nozzles at row ends and when spraying the outer two rows.” “Do not graze livestock in treated orchards.” Any other conflicting grazing restrictions must be removed from the label.</p> <p>Potatoes: PHI = 7 days Limit to 2 applications of 0.75 lbs ai/A per year Minimum of 7 days between applications</p>	<p>Directions for Use Under Application Instructions for Each Crop</p>

Description	Amended Labeling Language	Placement on Label
Application Restrictions	<p>Aerial application restrictions: All formulations: “Aerial application is prohibited for all crops with the exception of cranberries, cotton, blueberries, potatoes, and southern pine seed orchards.”</p> <p>Other restrictions: "Do not apply to the point of runoff. " “This product may not be reformulated or used under State Special Local Needs Registrations for use on sugarcane, ornamentals, Christmas trees, shade trees, or forest trees, except as specified on this label.”</p>	Directions for Use Under Application Restrictions
Drift Language	<p><i>For purposes of complying with the deadlines for label submission outlined in this document, registrants (and applicants) may elect to adopt the appropriate sections of the proposed language below, or a version that is equally protective, for their end-use product labeling.</i></p> <p>“Do not allow spray to drift from the application site and contact people, structures people occupy at any time and the associated property, parks and recreation areas, nontarget crops, aquatic and wetland areas, woodlands, pastures, rangelands, or animals.”</p> <p>“For ground boom applications, do not apply within 25 feet of rivers, natural ponds, lakes, streams, reservoirs, marshes, estuaries, and commercial fish ponds. Apply with nozzle height no more than 4 feet above the ground or crop canopy, and when wind speed is 10 mph or less at the application site as measured by an anemometer. Use medium or coarser spray according to ASAE 572 definition for standard nozzles or VMD for spinning atomizer nozzles.”</p> <p>“For orchard and other airblast applications, do not apply within 25 feet of rivers, natural ponds, lakes, streams, reservoirs, marshes, estuaries, and commercial fish ponds. Do not direct spray above trees and vines, and turn off outward pointing nozzles at row ends and outer rows. Apply only when wind speed is 10 mph or less at the application site as measured by an anemometer outside of the orchard or vineyard on the upwind side.”</p> <p>“For aerial applications other than those on potatoes, do not apply within 50 feet of rivers, natural ponds, lakes, streams, reservoirs, marshes, estuaries, and commercial fish ponds. For aerial application to potatoes, do not apply within 150 feet of rivers, natural ponds, lakes, streams, reservoirs, marshes, estuaries, and commercial fish ponds. The boom width must not exceed 75% of the wingspan or 90% of the rotary blade. Use upwind swath displacement, and apply only when wind speed is 10 mph or less as measured by an anemometer. Use medium or coarser spray according to ASAE 572 definition for</p>	Directions for Use in General Precautions and Restrictions

Description	Amended Labeling Language	Placement on Label
	standard nozzles or VMD for spinning atomizer nozzles. If application includes a no-spray zone, do not release spray at a height greater than 10 feet above the ground or the crop canopy.”	
	“For overhead chemigation , do not apply within 25 feet of rivers, natural ponds, lakes, streams, reservoirs, marshes, estuaries, and commercial fish ponds. Apply only when wind speed is 10 mph or less.”	
	“The applicator also must use all other measures necessary to control drift.”	

Instructions in the Labeling section appearing in quotations represent the exact language that should appear on the label.

Instructions in the Labeling section not in quotes represents actions that the registrant should take to amend their labels or product registrations.

Appendix E: Data requirements that apply to specific Group 3 use sites

Use site	Guideline number		Study description
	OPP	OPPTS	
Almonds	133-A-SS	875.2600	Special study: Biological monitoring of postapplication workers (1 site: CA)
	94-A-SS	NA	Special study: use and usage data (economic benefits information)
Apples and crab apples	133-3-SS	NA	Special study: exposure reduction feasibility (gloves)
	133-3	875.2400	Dermal exposure (hands)
	164-1	835.6100	Terrestrial field dissipation (2 studies: one in OR or WA and one in NY, NJ or PA)
	133-A-SS	875.2600	Special study: Biological monitoring of postapplication workers (3 sites: OR or WA, the northeast, and CA)
	94-A-SS	NA	Special study: use and usage data (economic benefits information)
Blueberries, lowbush	133-3-SS	NA	Special study: exposure reduction feasibility (gloves)
	133-3	875.2400	Dermal exposure (hands)
	133-A-SS	875.2600	Special study: Biological monitoring of postapplication workers (1 site: ME)
	94-A-SS	NA	Special study: use and usage data (economic benefits information)
Blueberries, highbush	133-3-SS	NA	Special study: exposure reduction feasibility (gloves)
	133-3	875.2400	Dermal exposure (hands)
	133-A-SS	875.2600	Special study: Biological monitoring of postapplication workers (1 site: MI)
	94-A-SS	NA	Special study: use and usage data (economic benefits information)

Brussels sprouts ¹	94-A-SS	NA	Special study: use and usage data (economic benefits information)
Cherries, sweet	133-3-SS	NA	Special study: exposure reduction feasibility (gloves)
	133-3	875.2400	Dermal exposure (hands)
	133-A-SS	875.2600	Special study: Biological monitoring of postapplication workers (2 sites: MI and OR or WA)
	94-A-SS	NA	Special study: use and usage data (economic benefits information)
Cherries, tart	94-A-SS	NA	Special study: use and usage data (economic benefits information)
Nursery stock ²	133-3-SS	NA	Special study: exposure reduction feasibility (gloves)
	133-3	875.2400	Dermal exposure (hands)
	132-1(a)	875.2100	Foliar dislodgeable residue dissipation
Parsley	94-A-SS	NA	Special study: use and usage data (economic benefits information)
Pears	133-3-SS	NA	Special study: exposure reduction feasibility (gloves)
	133-3	875.2400	Dermal exposure (hands)
	94-A-SS	NA	Special study: use and usage data (economic benefits information)
Pistachios	133-A-SS	875.2600	Special study: Biological monitoring of postapplication workers (1 site: CA)
	94-A-SS	NA	Special study: use and usage data (economic benefits information)

¹Application to soil at transplant only.

²For control of black vine weevil in association with meeting state nursery stock inspection and certification requirements only.

Walnuts	133-A-SS	875.2600	Special study: Biological monitoring of postapplication workers (1 site: CA)
	94-A-SS	NA	Special study: use and usage data (economic benefits information)
All sites	72-4(a)	850.1400	Early life stage fish toxicity test
	72-5	850.1500	Life cycle fish toxicity test
	231	875.1100	Dermal exposure - - outdoor (exposure to airblast applicators)
	166-B-SS	NA	Special study: ground water monitoring in areas of azinphos-methyl use over karst terrain